PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Yung Yip; Alan R. Olson	Examiner:	Tanh Q. Nguyen
Serial No.:	10/047,280	Group Art Unit:	2182
Filed:	January 14, 2002	Docket No.:	10305US01
Title:	SYSTEM HAVING TAPE DRIVE EMULATOR AND DATA CARTRIDGE CARRYING A NON-TAPE STORAGE MEDIUM		

DECLARATION UNDER 37 C.F.R. 1.131

Commissioner for Patents
Alexandria, VA 22313-1450

We, Yung Yip and Alan R. Olson, declare as follows:

1. We are named inventors in the above-referenced patent application Serial No. 10/047,280.

2. Each of us is an employee of Imation Corp., the assignee of record for the present application.

3. As evidenced by this Declaration and the Exhibit referenced by this Declaration, we conceived the inventions set forth in claims 1-19 and 26-37 of this application prior to October 5, 2001, and worked on such inventions with due diligence from prior to October 5, 2001, to at least January 14, 2002, the filing date of this application.

Conception

4. Exhibit A, attached to this Declaration, is an Invention Record for Imation Corp. prepared prior to October 5, 2001.

5. Exhibit A provides evidence of our conception of the inventions set forth in claims 1-19 and 26-37 prior to October 5, 2001. Page 3, for example, describes a rapid access data cartridge and drive emulator that is compatible with existing drive formats, automation systems and host applications. Figure 1 of Exhibit A illustrates a data cartridge that has been configured to house an internal disk drive. Figure 1 further illustrates a drive emulator capable of receiving the data cartridge. Page 3 further states that the physical dimensions and features of the data cartridge are compatible with existing library automation, and that the tape drive portion of the automation system would be replaced with the drive emulator. Page 4 states that the drive emulator receives commands and data from the host application and interprets the commands into disk format (and vice versa). In this manner, the host application sees the drive emulator as a tape drive, as described on page 3.

Diligence

6. We continued to work with reasonable diligence on the inventions set forth in claims 1-19 and 26-37 from prior to October 5, 2001, to at least January 14, 2002, the filing date of this application, i.e., the date of our constructive reduction to practice. For example, during this period we worked with Kent J. Sieffert, Applicants' representative, to prepare and submit the present application.

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 05-03-2004 Signed: _____
Yung Yip

Date: 5-3-2004 Signed: _____
Alan R. Olson